G. R. S. IX-5]

Previous references.

1894

192 .

File No. 12

Later references. — (G.M.)

Serial Nos. 1-

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 - 25

Part B for Oct 1895

SUBJECT.

Grant of land to Mrs. Partridge near the Bangalore City Railway Station.

To Mrs. J. Partridge, &
The Deputy Commr, Bangalore
No. 4135-6/R 614 Dt 30-10-95
declines to reconsider the order already passed.

WD 2238—GPB—20,000—14-6-20

Enclosed

Dewan's notes made from the records submitted by the Dy. Commr. with his letter no. D 49 dt 12.7.94

(1)

Mr. Partridge's land.

3d March 93 - Applies for waste land ~~formerly~~ abandoned burial ground Dunn '77 for building shed &c temps. Slaughter house - If farm succeeds he will have to buy it, but he shd to like to take it at least for one year from 1 May

15 ~~April~~ March 93 - DC. called upon Amildar for reports

23 March 93. { ~~Old~~ Amildar reports to DC. Old Survey No. 9. Narayani occupt Rs. 3.4.0

In 76.77. Govt bought, used as grave yard. altho No 37 - Khata 2 acres. 39 Guntas. burial stopped. Some graves.

Totti malla applied for it in Exchange for his land taken up but was refused being near Railway

Sirkar can dispose of this land as it likes.

31 March 93. DC. directs Amildar to lease the land to Mr Partridge on a reasonable rental.

5 April 93. Mr P. wrote to Amildar Engrg all rent to be paid & ~~stating he~~ agrees to make over the land in its present condition & stating he was beginning to erect sheds &c with DC's permission

10 April 93 Amildar to DC.

Old Cowdy am 3.4.- + 4 Cess am 4 = 3½

4 Rs Rental - Recommended transfer on condition of re-transfer in Condition fit for cultn

1 May 93 - DC as you have suggested

V

2d May '93. Mr P. to annl Idan.
Accepts the land on terms Mr.
paying Rs 4 as the yearly rental
Hopes he could keep possession
of the land as long as he paid
"the yearly tax now demanded".

6 March '94. Mr P. to annl Idan
Says that he has not received Patta
Asking for land on lease of 10 yrs
Sending Candayan in advance
for the remaining 9 yrs — Rs 36
Asking for necessary Patta "fixing
my ownership of the land"

11 March '94. Annl Idan reported the appn for
D.C's orders & mentioned the
land was within municipal limits

13 March '94. D.C directed the annl Idan
to give the land to Par.
for 10 yrs as asked for by him
& to credit the Candayan to
the Mun.

B

25

Letter from Mr Partridge

[illegible] from Mr Partridge
[illegible] morning, dated the 1st
inst., in which he complains
[illegible] Rly. Co. [illegible]
[illegible] land & buildings [illegible]
he claims [illegible]
[illegible] Block [illegible]
[illegible]
[illegible]
and [illegible]

CH
3/3

Reply sent
to Mr Partridge
1a/3/95

D.P.W. Railways

The papers in the Rec Dept regarding a piece of land near the City Railway Station given by the Dept Govt of Bangalore to Mr Partridge for a sheep farm will be forwarded to the Railway Dept.

Mr Partridge claims Compensation. Though he is not strictly entitled to it yet it is only right that the Govt, when ousting him, shd repay him the Cost of any buildings he has put up on the land. Such buildings shd be taken over & disposed of if possible after inspection

Please Report on the Nature of these buildings their Cost & what they would fetch if given up.

5-3-95 K Sheshadri

4

MYSORE P. W. DEPT.

—o—

TO THE DEWAN OF MYSORE

for ~~Sanction.~~ information.

—o—

Claim from Mr. Partridge on account of his eviction from certain lands. —

On receipt of your note regarding the above, I wrote to Mr. Partridge asking him to meet me at the City Station to point out to me the land, buildings, &c. In his reply he informs me that the buildings have been dismantled & the materials removed, so I can afford no information on the subject.

Mr. Partridge states somewhere that the buildings cost him "over" Rs 500.

If the "condition" that the lands should be surrendered to Govt when required was communicated to Mr. Partridge, it seems to me he has no claim. —

C. Anwer Esq
Asst P. W. D.

9 — 1 — 95

Send this to Mr. Shrinivasa-alli with a D.O. and ask him to speak to me on the claim when he sees me next, also to give me a brief memo regarding it for record by

16/3/94.

for with

19/3/95

5

Bangalore
7th March 1895

(25)

Col. C Bowen
Chief Engineer
Mysore Govt.
Bangalore

Sir,

In reply to your Letter No 992 of 6th Inst, I have the honor to inform you that I have already dismantled the sheds on my ground, and the materials are now at the Goods shed waiting despatch by rail as I find it impossible to get anything like its original cost. I was induced to this step owing to orders from the Dewan that my claim for compensation could not be entertained. The sheds cost me over 500 Rs, but what I particularly claim is compensation for loss of profit. In other words my profits averaged 250 Rs a month and I claimed Rs 3000, calculating one years profit, for having to give up the business. As regards the terms under which the ground was leased to me, I have only to add that I

had

had a 10 years lease commencing
1894 and that I paid the Kundayam
in advance. I have of course been
compelled to close what would have
been a very good business owing to
the Dewan having cancelled the grant.
I have already fully dealt with
the case in my correspondence with
the Chief Secretary to the Dewan, and
the grounds on which I feel I am
fairly entitled to compensation have
been clearly placed. The Deputy
Commissioner may have been wrong
in giving me ground within ½ a
mile radius of any Railway station,
but I did not know that there was
any ruling and hence in absolute
ignorance of any future question
arising, I took up the land, put up
my sheds, and started a business
which increased from about 500 to
1500 Rs monthly in the space of about
8 months. and had I continued it
for a further period of one year I
feel sure the profits would have
reached 500 monthly. my claim
therefore, is not one for actual value
of the land and buildings, but for
loss of profit, result of wrong action
on the part of a responsible officer
under the Mysore Government. I
have already written to the Dewan
telling him that I am not in a position
to suffer this loss, and I have already
intimated to him that I leave the case
in his hands, feeling sure that he will
do, what he considers just and right.

I shall however, should you
still wish it, be most happy to
meet you at any hour and date
you may fix, most convenient to you

I have the honor to be
Sir
Your most obed[illegible] servant.

[illegible]

2/ of the Govt does not disprove even
Mr. Partridge. It simply alters
the venue. Now could this
alone induce him to give up
a lucrative business? Are
there no other lands to be had?
In fact he had removed the
establishment to the Caulfield
ground already! The fact is
that he could not compete
with the local butchers &
gave up the business. He
himself told me in connection
with some other matter that
the butchers had combined to
drive him out of the field.

Yrs Sincerely
17/3/95.

12 1

Subd with draft for appl

(General Serial No. 30.)

1893/94 1575

From The 1st Asst to the Resident in Mysore 5230

To

The Chief Secretary to the
Dewan of Mysore.

Dated 9 April 194

Despatched

Received

Enclosures No. 2

General No. 1502.

No. 121.94

Forwarding letter from the Chief Engineer, Bangalore Division Military works regarding a rest-camp for the troops in the vicinity of the Bangalore City Railway Station and requesting that the information asked for may be furnished.

References to be marked.

M. G. C. Press, Bangalore.—3-2-94.—3000.

No. 1302 / 121.94

FROM

THE FIRST ASSISTANT TO THE RESIDENT IN MYSORE.

To

The Dewan of Mysore.

Dated Bangalore, 9th April 189 4.

SIR,

I am directed to forward a letter No.908* dated the 30th March 1894 from the Executive Engineer, Bangalore Division, Military Works, together with its enclosure regarding a rest camp for the troops in the vicinity of the Bangalore City Railway Station, and to request that the information therein asked for may be furnished at your early convenience.

*original, to be returned.

I have the honour to be,

Sir,

Your most obedient servant,

Wm. Rendall

First Assistant Resident.

1/2 14

No. 905.

Executive Engineer's Office
Bangalore Division
Military Works.

From
The Executive Engineer
Bangalore Division
Military Works.

To.
The First Assistant to the Resident
in Mysore.

Public Works Dept
Military Works.

Dated 30th March 1894

Sir,

I have the honor to inform you that a site is required by the Government of India for a Rest Camp for troops in the vicinity of the City Railway Station

2. I have inspected all the available sites, and the most suitable one appears to me to be the one colored yellow on the accompanying tracing

3. The ground in question is the property of Mr. Partridge, Assistant Traffic Manager Southern Mahratta Railway who states that he is willing to sell the

the land - about 150 yds by 50 yds - for Rupees 3000/-

4. Will you kindly let me know on what terms Mr: Partridge holds the land from the Government of Mysore, length of lease, rent and also whether the price asked is reasonable compared with the price of land in the neighbourhood?

5. Just north of the female plot shown yellow, there are Eleven enclosed spaces of dry cultivation, a small stone shelter 6ft x 6ft occupying the north west corner of the ground

I should be glad to know whether this land is also available for acquisition by the Government of India and what would be the approximate cost of acquiring it should the first-mentioned plot not be available.

6. Should neither of these plots be available

1894 (2)

To,

The Dy Commr
Bangalore District.

Gm-12-94-2

Dated 15 April 1894.
No 1766/4
" 3875

&2

In forwarding the accompanying letter No 905 dated the 30th March 1894, from the Executive Engineer, Bangalore Dvn. Military Works, together with its enclosure regarding the acquisition of land for a rest camp for the troops in the Vicinity of the Bangalore City Rly. Station, has the honor to request that he will be so good as to furnish a report on the points therein raised at an early date.

* in original, to be returned

By order

18/4/94
Under Secy

H.V
17/4/94

(General Serial No. 30.)

189

From

The Chief Secretary to the Dewan of Mysore.

To

Dated

Despatched

Received

Enclosures No.

General No.

No.

(5)

Gr: 12-94-3.

(General Serial No. 30.)

18

184.27.

1893/94 G 6531

From The Dy Commissioner
Bangalore District

To

The Chief Secretary to the Dewan
of Mysore.

Dated 15th June 1894

Despatched Do

Received

Enclosures No. two

Genral No.

No. 1504 Secys dy 17664

In reply to Under Secys dy G. 3875
dated 18th April 1894.

SUBJECT.

Reports on the points
Raised Regarding the ac-
quisition of land for a
Rest Camp for the Troops
in the vicinity of the
Bangalore City Railway
Station.

G 16/6/94

References (to be entered only in the Dewan's Office).

~~The Govt cannot approve~~
~~The~~ Dy Com's action in
granting the land in question
in direct ~~Govt~~ Contravention
of the orders of Govt ~~is~~
~~illegal~~ Contained
in Proc cir 1159.
Ex Nov 1887 is
illegal. ~~and Cannot~~
~~The Dy Com~~

The Dy Com's explanation
of the circ under which
~~and the terms upon~~
the land was granted
to Mr Partridge on
30 March 93 & the
term "Cattle" Concealed
& him is in the
opinion of the Govt
unsatisfactory —

Mr Partridge will be
called upon to show
Cause why he shd not
be evicted from the
land in question ~~within~~
~~20 days from~~ —
In the meantime the
Dy Com will submit

by a written Statement
to be rcd before the
15 Instant,

Sir

References hereto

Bkb 16/6/94

Subd to the Chief Secretary
for Orders G 16/6/94

the Entire record
(together with a Survey)
relating to the Grant of
the land to Mr Partridge

E

3/8

Drafted
ruby
6/2

of a right to claim any Compensation.
But he was led to believe that
in all probability he might not
be disturbed for 10 years and has
erected a sheep-pen on the land
at a cost, as estimated by the Amildar,
of Rs 475/. It is fair to him that
if we take the land from him
we should take the building with
it and pay him Rs 500/. In my
opinion, he is not entitled to any
thing more. His claim is extravagant
and his ground that if he moves
his sheep-pen elsewhere, he will
be put to extra expense, has
nothing to do with the question.

3. But whether a place where
a large number of dead bodies -
especially of persons that died from
Cholera, was buried so recently as
1876-77, is a fit place for a rest-
house, is a question for consideration,
but it is a question for the Medical

Advisers of the Military Department to decide.

4. The Government has also to decide whether we should not get a price for the land. I think if we sell it by auction, we shall realize from 100 to 150 Rs an acre It is 2 acres and 39 guntas.

5. The lands mentioned in paragraph 5 of the Executive Engineer's letter are portions of Nos 4 and 5 of the above village. They belong to private individuals who claim 150 Rs per acre, if the entire numbers are taken and 200 Rs per acre, if portions are taken. No. 4 is 6 acres and 1 gunta and No. 5 is 5 acres and 37 guntas. The price demanded seems to me rather high. But what is now wanted is the probable amount.

6. In reference to paragraph 6 of the Executive Engineer's letter, the exact position is not mentioned, but, we

we can get 50 yards × 100 yards for a reasonable price, which will be somewhat ~~higher than~~ that of the land referred to in paragraph 5.

I have the honor to be,
Sir,
Your most obedient Servant,

Raphael Tuck

for Deputy Commissioners.

24 (b)

Read -

Correspondence ending with letter No. 1504 dated 15th June 1894, from the Dy. Commr., Bangalore Distt., explaining the circumstances under which the land required for a Rest Camp for troops, i.e. Survey No. 37 in the Bargé Mudankalli village, Bangalore Taluk was given to Mr. Partridge.

Order -

The Dy. Commr's action in granting the land in question in direct contravention of the orders of Govt. contained in Progs. Cir. No. 115 dated 24th Nov. 1887 is illegal.

2. The Dy. Commr's

G.M. 12-94-4.

b 116 / f 25 6-7-94 / 6-7-94

Explanation of the Circumstances under which the land was granted to Mr Partridge on 30th March 1893, and of the terms "latterly" conceded to him is, in the opinion of the Govt, unsatisfactory.

3. Mr Partridge will be called upon to show cause by a written statement to be submitted before the ~~15~~ 18th instant, why he should not be evicted from the land in question.

4. In the meantime, the Dy Comm. will submit the entire record, (together with a precis) relating

No 117
f 26

relating to the grant of the land to Mr Partridge.

Chief Secy

6/7/94

To.

The Dy Commr
Bangalore Dist

Extract of paras 1 & 3 forwarded to Mr Partridge for copies & notes of the written statements called for -

Bangalore City D 29
9-9-94

To

The Chief Secretary to the
Dewan of Mysore

Sir,

I have the honor, in reply to your Letter of No $\frac{117}{26}$ without date enquiring what reasons I have to offer against eviction, to inform you that,

1st The Ground has been leased to me for 10 years.

2nd The Kandayam for this period has been paid into the Treasury

3rd The retention of the Ground by me for purposes for which it was leased is absolutely necessary and I cannot do without it

4th My sheds are being put in order and sheep will be penned there in the course of the next few days.

Owing to absence of sufficient grazing grown my sheep had to be

31

Precis.-

On 3rd March 1893, Mr. Partridge applied for a piece of a waste land used as burial ground for one year "to erect a single shed and pen for his sheep and to put up a temporary slaughter house" The Amildar, who reported that the land which bears Survey No. 39 of Bargunda-malully was kharab was told that it "may be leased on a reasonable rental to be fixed by the Amildar" vide order No. 1119 of 30th March 1893. He fixed Rs. 4 a year and said that the land might be leased on condition of surrendering it when

required by Government in a state fit for Cultivation (vide orgi No. 1219 of 10th April 1893). This was approved of (vide No. 1249 dated 1st May 1893).

2. Mr. Partridge in his letter dated 5th April 1893 said "I further understand that should I wish to make over the land that I must do in its present Condition" and in his letter dated 2nd May 1893 to the Amildar he accepted the ground on the terms named (not specified but probably giving up the land when required by Government as suggested by the Amildar) and said that he could keep possession so long

Southern Mahratta Railway Company.

No. ....

Bangalore city OFFICE,

13th March 1893

To
Mr Shujayat Ali Khan Esqre
Deputy Commissioner
Bangalore

Sir,

As discussed by you at our interview I beg to request you will kindly grant me permission to slaughter sheep on ground which I have rented at B City for the purposes of a sheep farm. The land is without municipal limits and I believe you have power to grant my request. I quite understand that I must be governed by Conservancy rules and as it will be to my interests to keep my place clean, you may rely on it I shall do so.

I am also desirous of taking up a piece of waste land, formerly a burial ground during the famine of 1877, but abandoned when the Railway line was opened. There are a few graves but I shall in no way interfere with these. I want, in fact, only to erect a simple shed and pen for my sheep and to put up a temporary slaughter house. The ground is high and it is the only place where I can

3

can with safety keep my sheep. The
grazing ground is below this plot and
it is difficult to get to it except through
the ground in question.

If the farm proves successful
I will have to buy up land but for at least
one year from 1st May next, I should
like to have this land, paying the
usual charge.

I am prepared to enter into
any agreement you may require and
to give in writing an assurance that
the dead will be respected —

I will in no way give cause for
offence and as the line itself crosses
through the greater portion of a grave-
yard (Jannie 87), I think there will be
no difficulty in the way now.

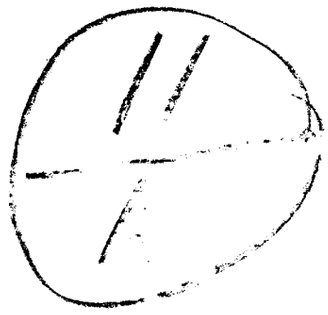
Yours faithfully

D Smith

REVENUE DE...
Date
21.3.9...
No 1141
NATIONALE

ಬೀ
1123 ಪಿಂಚಣಿದಾರರಿಗೆ ಕೆಲಸದವರಿಗೆ
ಸಂಬಂಧಪಟ್ಟದ್ದು

ಪಿಂಚಣಿದಾರರಲ್ಲಿ ಒಬ್ಬರಾದ
ಶ್ರೀ 20-3-93ನೇ ಪಿಂಚಣಿದಾರರ



2 ಜುಲೈ 1035

ಗಾಜನೂರು

ಅಂಚೆಮಾಸ್ತರರಿಂದ ನಾಗಪ್ಪನಿಗೆ ಬರೆದ

ಪತ್ರವು ಇಂದು ನಮಗೆ ದೊರೆತಿದೆ. ನಾಗಪ್ಪನ

ಸಂಬಳ ರೂ 37½ ಮತ್ತು ಪಿಂಚಣಿಯ

ಶೇ. ಅರವತ್ತರಷ್ಟು ಸೇ. ಸಂಬಳ ರೂ 9

ಪಿಂಚಣಿ ಇವುಗಳನ್ನು ಕೊಡುವಂತೆ

ಅಲಂಕಾರ ಸಿಂಧಾ 3-4 ರಲ್ಲಿ

ಹುಕುಂ ಆಗಿದೆ. 1876-77 ನೇ ಇಸವಿಯ

ಸೆಪ್ಟಂಬರದಲ್ಲಿ ಅರವಿಂದರಿಗೆ ನಾಲ್ಕಾರನೆಯ

ತರಗತಿಯಲ್ಲಿ ಸಿಂಧಾಪುರದಲ್ಲಿ ಶಾಲೆ

ಪ್ರಾರಂಭವಾದಲ್ಲಿಂದ ನಾಲ್ಕಾರನೆಯ ತರಗತಿಯ

ಪರೀಕ್ಷೆಯವರೆಗೆ ಇವನು ಅಲ್ಲಿಯೇ

ಅರವಿಂದರು ಅಲ್ಲಿಂದ ಬೆಂಗಳೂರಿಗೆ

ಸೆಂಟ್ರಲ್ ಕಾಲೇಜಿಗೆ ಸೇರಿದರು.

ಶ್ರೀಮತಿ ದಾಕ್ಷಾಯಣಿ ಕೋಂ ನಾಗಪ್ಪ
37 ವರ್ಷ ಕ್ರಿಶ್ಚಿಯನ್ ಹರಿಜನ
ಮಿಷನ್ ಕಂಪೌಂಡ್ ಗುಲ್ಬರ್ಗಾ ರವರು
ಅವರಿಗೆ ಸೇರಿದ ಸರ್ವೆ ನಂ 2.39 ಸಂಖ್ಯೆಯಲ್ಲಿ
ಬರುವ ಜಮೀನಿನಲ್ಲಿ ಅಳತೆ ಮಾಡಿ
ಹದ್ದುಬಸ್ತು ಮಾಡಿಕೊಡಲು ಕೋರಿ
ಅರ್ಜಿ ಸಲ್ಲಿಸಿದ್ದರಿಂದ ಸದರಿ ಜಮೀನಿನ
ಹದ್ದುಬಸ್ತಿಗಾಗಿ ನಮ್ಮ ಸರ್ವೇಯರ್
ಶ್ರೀ ಎಸ್ ಎಸ್ ಪಾಟೀಲ ನಾಮಾಂಕಿತರವರು
ನಿಯೋಜಿಸಿದ ~~ಅಧಿಕಾರಿಯವರು~~ ಸ್ಥಳಕ್ಕೆ ಬಂದಾಗ
ಸದರಿ ಜಮೀನಿನ ಪಕ್ಕದವರಾದ
ಶ್ರೀ ಮಲ್ಲಿಕಾರ್ಜುನ ತಂದೆ ಶಿವಶರಣಪ್ಪ
ಮಾಲಿಪಾಟೀಲ ಸಾ|| ಕಲ್ಲೂರ (ಎ)
ಗುಲ್ಬರ್ಗಾ ರವರು ಹಾಜರಿದ್ದು
ಸದರಿ ಜಮೀನಿನ ಹದ್ದುಬಸ್ತಿಗೆ
ಯಾವುದೇ ತಕರಾರು ಇಲ್ಲವೆಂದು
ಲಿಖಿತವಾಗಿ ಬರೆದುಕೊಟ್ಟಿದ್ದರಿಂದ
ಸದರಿ ಜಮೀನಿನ ಹದ್ದುಬಸ್ತು
ಮಾಡಿಕೊಡಲಾಗಿದೆ.

Submitted for orders

The land was in the occupancy of ex-Inamdar and during the famine (1876-77) when it was temporarily let out for a burial ground. Purchaser who took from the ex-Inamdar the famine memorial and the land belongs now to Govt.

22-3-93

Temporarily at least as a memorable one & a memorial the land by Govt. With R.N. Parkar Esq

20/3

14603

1119

30-3-93

No 486. Endorsement - 40.

In reply to the above Mr. J. Partridge is informed that the Amildar of Bangalore Taluk has been directed to lease out the land in question on a reasonable rental to be fixed by him.

31-3-93. "Copy"

M Kumara Rao
For Deputy Commr.

The Asst has reported in Arrgee No 1330 that Mr Partridge has now sent him Rs 36 being the 9 years rent for land made over to him on condition mentioned in the margin for constructing a pen & slaughter house. Mr Partridge had sent Rs 4 before sending Rs 36 & now solicits that a puttah may be granted to him for 10 years & that he may be permitted to erect a few more (3 or 4) sheds thereon. The Asst has kept the amount in deposit & solicits orders, & submits also that the site is within the City Municipal limits.

The Asst of Bang: reports that Mr. Partridge wants the land on the aforesaid which it bore formerly, i.e. 3 – 4 – or even three, and that the land may be given over to Mr Partridge on Rs 4 a year and on condition of surrendering the land when required by Govt. in a state not unfit for cultivation.

23/4/93.

4 ~~1035~~ 1119

II

10-4-93

1219

REVENUE DEPARTMENT
11-4-93
1246

1219

Southern Mahratta Railway Company.

9/4/93

Bangalore city 5th April 93

The City Amildar
Bangalore

Dear Sir,

With reference to the Deputy Commissioner's letter agreeing to rent to me a plot of ground formerly a burial ground outside the municipal limits, I shall be glad to be informed what yearly assessment I will have to pay and to whom money should be paid. I further understand that should I wish to make over the land, that I must do in its present condition.

In the meantime having received the Deputy Commissioner's permission I have arranged to put up a couple of sheds -

Kindly let me hear by bearer as I wish to start business about the

End

Southern Mahratta Railway Company

Bangalore 2nd May/93

11

C

The Amildar
Bangalore Taluk
Bangalore

37

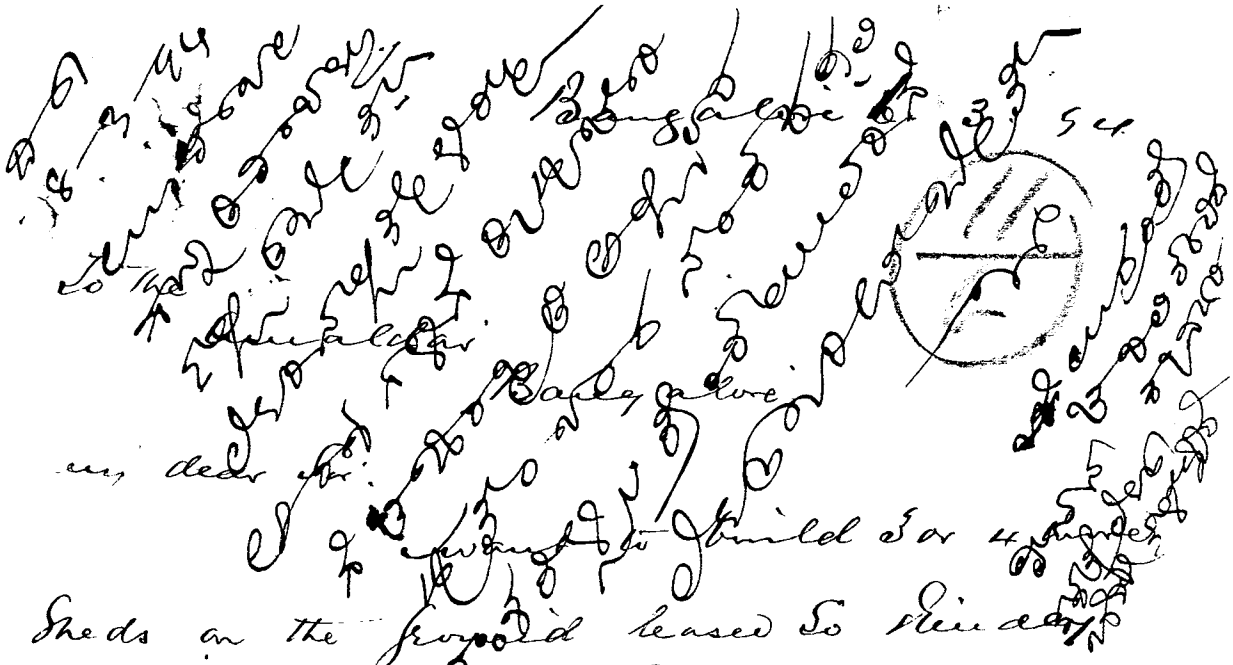
Dear Sir,

I gladly accept the ground on the terms named and shall be glad to forward you the Rs 4/- as the yearly rental. I presume the land will be registered in my name and that I can keep possession so long as I pay the yearly tax now demanded.

Yours faithfully

Asst Manager

Rs 4 herewith



Sheds on the ground leased to Mr. [illegible] by you for a Dairy, and as I have not received Pattah I now write to ask You to please let me have it on lease for a period of 10 years, and as the Cumdyam is so small & I may forget to pay it on due date I have decided to send you herewith Rs 36, which added to the 4 Rs sent You the other day, will be the Cumdyam for the full period of 10 years — I have written to the

Dy

5 ಪೈಸೆ ಬಿಲ್ಲೆಯ ಮೇಲೆ 1249

ಸನ್ನ 1330 11 ನೇ ಇಸವಿಯ ಫಸಲಿ

ಪಕ್ಷಕಾರರು 11—3—94 ರಂದು ಹಾಜರಾಗಿ

ಸಂಯುಕ್ತ ಅನುಮತಿಸಿ. ಮೇಲ್ಕಾಣಿಸಿದ

ಪ್ರ. ಸಾಕ್ಷಿಗಳವರಿಂದ ಮತ್ತು ಪ್ರತಿವಾದಿಗಳು

ಪ್ರಸ್ತುತಪಡಿಸಿದ ಅರ್ಜಿಯನ್ನು ಓದಿಸಿ ಕೇಳಲಾಯಿತು.

ಅದರಲ್ಲಿನ ಅಂಶ ಪ್ರಕಾರ ಪ್ರತಿವಾದಿಗಳು

ಪಕ್ಷ 6-3-94 ರಂದು ಹಾಜರಾಗಿ ಲಿಖಿತ

ಳ್ಳ. ಹೇಳಿಕೆ ಪ್ರಕಾರ ಪ್ರತಿವಾದಿಗಳು ಹಾಜರಾಗಿ

ಅದರಲ್ಲಿನ ಸಂ. ಪ್ರಶ್ನೆಗಳಿಗೆ ಉತ್ತರ

ಹೇಳಿದ್ದು. ಸಾಕ್ಷಿಗಳು ಅವರಲ್ಲಿಗೆ ಬಂದ

ಪ್ರಶ್ನೆಗಳಿಗೆ ಉತ್ತರ. ಬಾಡಿಗೆ. ಕೊಟ್ಟುಗಳು ಇವುಗಳ

ಬಗ್ಗೆ 36 ಪ್ರಶ್ನೆಗಳು. ಕೊಟ್ಟಾಗಿದ್ದು

ಅವುಗಳಿಗೆ ಉತ್ತರ ಕೊಡಲಾಗಿದೆ

ಅಂತೆಯೇ ಅರ್ಜಿದಾರರಿಗೆ. 10 ಪ್ರಶ್ನೆ

ಪತ್ರ. ತಮಗೆ ಕಛೇರಿಯಿಂದ ಕೊಡಲಾಗಿದೆ

ಪ್ರಾಥಮಿಕ ವಿಚಾರಣೆಯಲ್ಲಿ. ಅವರು. ನೀಡಿರುವ

12

Read again:

Govt. No: 116/25, dated 6th July 1894 making certain observations on the grant of land, S. No. 37 in the Baraginnidanhalli Village, Bangalore Taluk, on lease to Mr Partridge and Calling upon the Dy: Commr, Bangalore District, to submit the records connected with the grant of the land

§ M 12-94-7

Read also: —

(1). Records received with Letter No: D. 49, dated 12th July 1894 from the Dy: Commr, Bangalore Distt:

(2) Letter dated 9th July 1894 from Mr Partridge

showing Cause why he should not be evicted from the land in question.

Order thereon

No. $\frac{1083\text{-}5^{-}}{Q.231}$ D/ 19th July 1894

The land in question is No. 37 of Sanjimuddanhalli, 2 acres and 39 guntas in extent and unassessed. It is within 200 yards of the boundary of the City Railway Station land, and therefore its grant for private occupation by the Deputy Commissioner is prohibited by the orders of 24th Nov.r 1887, No. $\frac{4627\text{-}35^{-}}{Cir.\ 115^{-}}$, which directs ~~it~~ [illegible]

Bnti

on the ground leased to
kindly to me by you for
a Dany and as I have
not received patta, I
now write to ask you
to please let me have
it on lease for a period
of 10 years, and as the
Candayam is so small
and I may forget to
pay it on due date
I have decided to send
you herewith Rs. 36/- which
added to the Rs. 4/-
sent you the other day,
will be the Candayam
for the full period of
10 years I have written
to the Deputy Commissioner
-er telling him that I have
sent you the money on

advance and I hope
you will still kindly act
a friend's part by giving
me necessary patta
fixing my ownership
of the land. I want this
patta as early as
possible as I want
to begin building my
sheds for cows, and
until I am sure of the
land, I cannot start
work"

The Amildar forward-
ed this letter to the
Deputy Commissioner
and applied for orders.
The Deputy Commissioner
on 13th March 1894 direct
ed the Amildar to
give the land to Mr
Partridge for 10 years

Yearly
afterwards extended to
10 years, when Mr. Partridge
chose to ask for it

~~The land had a right~~
~~to which it was not~~

6. The Deputy Commissioner's proceedings
in the Case ~~were not in~~ only
did not wrongly not Come under
~~accordance with~~ the
rules for the disposal
of waste lands and
but were directly opposed
to the orders of 24th
November 1887. ~~The~~
~~question is whether~~
~~the Government should~~
~~now Cancel the illegal~~
~~grant.~~

The Grant was altogether outside the D.C's jurisdiction & was ~~illegal~~ therefore illegal ab initio

7. As to a Cancellation ~~of~~ Mr. Partridge's hopes of the Grant ~~is~~ the following reasons: ~~against such a Cancellation are as~~ Viz
follows

1) That the ground has been leased to him for 10 years.

2) That the Candayan for that period has been paid into the Treasury.

3) That the retention of the ground by him for purposes for which it was leased is absolutely necessary and that he cannot do without it,

and 4) that his sheds are being put in order and sheep would be penned there in the course of a few days.

5. These reasons are not relevant in so far as the question of the legality of the grant is concerned. The Dog Court can only grant whether the Govt does not reserve for a special purpose, and for obvious reasons can maintain the grant—

by a Deputy Commr
of land should be reserved
Cannot be recognized
by the Govt under
such circs the Grant
to Mr P. of 13th March
1894 is hereby Cancelled

But before proceeding
actually to Evict Mr
Pestonjee the Govt would
like to Consider whether
such a measure is
actually necessary with
this object Mr. B.S. Desai
(Collector for the purpose
of the L.A. Act in
the Bangalore Dt) was
be called upon to report
whether the other neighbouring
lands mentioned by the
Deputy Comr. Supt Mil'y
Works can be readily
acquired for a Rest
Camp for Troops, and
if so the amt of Compensation

to be paid
required for the Same.

~~[illegible]~~

10 Application will be made to
the Residents to direct
the E.E. Mr. W. to post
himself in direct Communi-
cation with the B.S. Commissioners
11 Orders for the actual
Evacuation of the Partizans
will be dispd. till the
Gat are in a position
to pass orders on the
Report about called for
from the Collectors -

with the view of the
Govt selecting the
most eligible Site
for a Rest-Camp
Troops
for Troops

or for the Continuance
of his pension
under proper Conditions

To Mr B Strachey Esq
Calcutta
Secretary
18.7.94.

Copy to D.C.
— the Partizans.
Rolls to Rest Camps
Copy for info. to D.C.
Despatch.

W Mackenzie

4

Of this order 4 Copies
are required for
Issue to
(1) The Duke of Bedford
(2) Mr Partridge
(3) Asst Keeper with
letter
& (4) Mr L. G. Mackenzie.

Better therefore print the
Order. If this can be sooner done.
In any case take one copy
for the file has to be drawn
again for Reply to Residency.
Please arrange to
have the ~~Order~~
printed

Referred to me

I have sent a copy
of the Rec & the Pres/s
with short instructions
& read proofs Copies
Early Succession

The original draft
is returned

19/7/94

1894.

GOVERNMENT OF MYSORE.

GENERAL.

PROCEEDINGS.

Dated 19th July 1894.

No. 1083-5. / G. 231.

Passing orders in the matter of the grant by the Bangalore Deputy Commissioner to Mr. Partridge, of certain land situated near the Bangalore City Railway Station, and required for a rest camp for troops; and calling upon Mr. B. G. Krishnaiengar to report whether other neighbouring lands can be readily acquired for the same purpose.

M. G. C. P., Bangalore.—19-7-94.—120.

READ AGAIN :—

Government Proceedings No. 116—25, dated 6th July 1894, making certain observations on the grant of land, Survey No. 37, in the Bargimuddanhalli village, Bangalore Taluk, on lease to Mr. Partridge, and calling upon the Deputy Commissioner, Bangalore District, to submit the records connected with the grant of the land.

READ ALSO :—

(1) Records received with letter No. D. 49, dated 12th July 1894, from the Deputy Commissioner, Bangalore District.

(2) Letter dated 9th July 1894 from Mr. Partridge, showing cause why he should not be evicted from the land in question.

No. 1083-5—G. 231, DATED, BANGALORE, 19TH JULY 1894.

ORDER THEREON.—The land in question is No. 37 of Bargimuddanhalli, 2 acres and 39 guntas in extent, and unassessed. It is within 600 yards of the boundary of the City Railway Station land, and therefore its grant for private occupation by the Deputy Commissioner is prohibited by the orders of 24th November 1887, No. 4627-35–Cir. 115, which directs—"But from and after the date of this or-"der, no Deputy Commissioner through whose District a Railway line passes "will dispose of any unoccupied Government land for private occupation of any "kind within half a mile (880 yards) of the boundary of any Railway Station "land, without the previous sanction of the Government in each individual case."

2. In March 1893, Mr. Partridge applied for the land for a period of one year from 1st May 1893, and the Deputy Commissioner granted it to him on a rental of Rs. 4. Mr. Partridge, in his application, had said that if his farm proved successful, he would have to buy the land, but nothing more was said on either side about any such buying, and the grant in May 1893 must be regarded as made for one year only.

3. In March 1894, Mr. Partridge wrote the following letter to the Amildar.—"I want to build three or four more sheds on the ground leased so kindly "to me by you for a Dairy, and as I have not received patta, I now write to "ask you to please let me have it on lease for a period of ten years, and as the "kandayam is so small and I may forget to pay it on due date, I have decided "to send you herewith Rs. 36, which, added to the Rs. 4 sent you the other day, "will be the kandayam for the full period of ten years. I have written to the "Deputy Commissioner, telling him that I have sent you the money in advance, "and I hope you will still kindly act a friend's part by giving me necessary "patta fixing my ownership of the land. I want this patta as early as possible, "as I want to begin building my sheds for cows, and until I am sure of the land, "I cannot start work."

The Amildar forwarded this letter to the Deputy Commissioner, and applied for orders. The Deputy Commissioner, on 13th March 1894, directed the Amildar to give the land to Mr. Partridge for ten years as applied for by him.

4. The Deputy Commissioner, in his letter No. D. 1504, dated 15th June 1894, referring to the grant of March 1894 for ten years, says—

"This latter concession is only an assurance of the fixity of the rent for the "period of ten years, but it can in no way affect the original condition of the "grant, that Mr. Partridge should give up the land whenever wanted by the "Government. He is further bound to give it up in a condition fit for cultiva-"tion. So Mr. Partridge has no manner of right to claim any compensation."

This opinion of the Deputy Commissioner has no foundation in anything which appears on the record now submitted, and that officer will be called upon to state specifically the grounds of his opinion, and to submit any further papers in his office bearing on the subject. He will submit the letter written to him

by Mr. Partridge and referred to in the latter's letter to the Amildar dated—— March 1894.

5. The Government observe that when Toti Malla asked for the land in question in exchange for his Toti manyam, which he had given up for a Government purpose, his application was refused on the ground of proximity to the Railway, but when afterwards Mr. Partridge asked for it, no question of proximity to the Railway was raised, but the land was made over to him for a year on a rent of Rs. 4, and the term of lease was afterwards readily extended to ten years, when Mr. Partridge chose to ask for it.

6. The Deputy Commissioner's proceedings in the case did not only not come under the rules for the disposal of waste lands, but were directly opposed to the orders of 24th November 1887. The grant was altogether outside the Deputy Commissioner's jurisdiction, and was therefore illegal *ab initio.*

7. Against a cancellation of the grant, Mr. Partridge urges the following reasons:—

(1) that the ground has been leased to him for ten years ;
(2) that the kandayam for that period has been paid into the Treasury ;
(3) that the retention of the ground by him for purposes for which it was leased is absolutely necessary, and that he cannot do without it ;
and (4) that his sheds are being put in order, and sheep would be penned there in the course of a few days.

8. These reasons are not relevant in so far as the question of the legality of the grant is concerned. The Deputy Commissioner can only grant whatever the Government does not reserve for a special purpose ; and for obvious reasons an unauthorized grant by a Deputy Commissioner of land specially reserved, cannot be recognized by the Government. Under such circumstances, the grant to Mr. Partridge of 13th March 1894 is hereby cancelled.

9. But before proceeding actually to evict Mr. Partridge, the Government would like to consider whether such a measure is actually necessary. With this object, Mr. B. G. Krishnaiengar (Collector for the purpose of the Land Acquisition Act in the Bangalore District) will be called upon to report whether the other neighbouring lands mentioned by the Executive Engineer, Military Works, can be readily acquired for a rest camp for troops, and if so, the amount of compensation required to be paid for the same.

10. Application will be made to the Resident to direct the Executive Engineer, Military Works, to put himself in direct communication with Mr. B. G. Krishnaiengar, with the view of the early selection of the most eligible site for a rest camp for troops.

11. Orders for the actual eviction of Mr. Partrige, or for the continuance of his possession under proper conditions, will be deferred till the Government are in a position to pass orders on the report above called for from the Collector.

T. ANANDA ROW,
Chief Secretary.

To—The Dy Commissioner, Bangalore District.
Mr. B. G. Krishnaiengar, Sub-Division Officer on Special Duty.
Mr. Partridge.

Exd.—K.S.

(13)

No: 1190
F 247
94

To

The 1st Assistant to the
Resident in Mysore

Sir,

Referring to your letter
No: 1302 – 121.94 dated 9th
April last regarding
the acquisition of certain
land in the Vicinity of the
Bangalore City Railway
Station for a Rest Camp
for the Troops, I am
directed to forward herewith
with copy of Mysore
Government Proceedings
No: 1083-5
G. 231 dated 19th July 1894
of the Chief Engineer
which will explain
the position in regard
to the land coloured yellow
in the Sketch received

F M 12-94-8

with your letter and designated "Mr. Partridge's land." I am to add that this land is reported to have been used at one time as burial ground, and that a large number of dead bodies especially of persons that died from Cholera were buried here in 1876-77.

2. All together, as to the acquisition of a suitable site which the Bangalore Division Military Works Department may select I am to request that the Executive Engineer may be instructed to place himself in

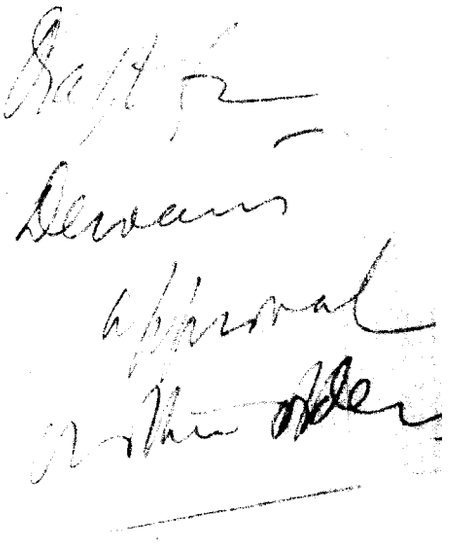
Communication with
Mr. B. G. Krishnaiengar
(Sub Division Officer on
Special duty) whom the
Govt have appointed
to be Collector under the
Land Requisitions Act
in the Bangalore Dist.
Mr Krishnaiengar has
been directed to do the
needful. Returning
herewith the original
enclosures of your
letter under reply.

I have &c

Sd/ 20 July 94
Chief Secy

towards the immediate
requisition of any
land which may be
finally selected by
the Mily authorities

20/7/94



(General Serial No. 30.)

189 .

From The Deputy Commissioner
Bangalore District.

To The Chief Secretary
to the Dewan of Mysore.

Dated 3rd August 1894.

Despatched 4

Received

Enclosures No. 1.

General No.
D. No. 125

The Government Proceedings No. 1083-5 / G. 231 dated 19th Ultimo, anent the grant to Mr. Partridge of certain land situated near the Bangalore City Railway Station.

In submitting Mr. Partridge's letter of 7th March 1894, referred to in para 4 of the above, has the honor to solicit

---

6/8/94
Ag

Submitted

Subdt to Chief Secty.
The enclosure was called for by the Dewan
10/8/94

No orders required on this. Await Comr's report
10/8/94

Mr Hart returned Mr
13/8/94

D.O. 13-8-94

reference to Mr. Partridge's
letter dated 5th April 1893,
wherein he says "I further
understand that should
I wish to make over the
land that I must do in
its present condition",
and to his letter dated
2nd May 1893, accepting
the ground on the terms
named.

J. Mannarke

for Deputy Commissioner

Mr

Bangalore
7/3/1894

To
The Hon. Sayyid Ali Khan, Esqr.,
Dy Commissioner
Bangalore

Sir,

My sheep venture has proved so successful that I have decided on opening a Dairy, and as I shall require to erect a few more sheds on the land in rear of the station you so kindly rented to me, I beg you will kindly give me the ground for a fixed period of 10 years, commencing from the current year. I am prepared to pay over the rent above mentioned in advance yearly as I am most anxious to push up the buildings. I shall be glad if you will kindly favour me with a very early reply

In this connection

No 2d

3/

I must thank you for
so very kindly having interested
yourself in my venture
by giving over the ground due
and as I anticipate difficulty
in the matter, I have to day
sent the Amildar Rs Sum of
Rs 36/. which added to the sum
Rs 4, I paid him the other day
will be payment in advance
for the period for which
I intend leasing the ground

Yours faithfully

Read: in This Town
8 Feb 26-7.

(General Serial No. 30.)

2312
22 AUG 94
4.952

189

From Mr: J. Partridge
Asstt: Traffic Manager
S. M. Railway,
Bangalore.

To

The Chief Secretary to the
Dewan of Mysore.

Dated 16th August 1894

Despatched

Received

Enclosures No. 1

General No.

No.

Submitting certain facts claiming compensation for the loss sustained in connection with the ground granted to him for a period of 10 years.

After Careful Consideration of the Grounds herein advanced the Govt are of opinion that he is not entitled to any Compensation —

24.9.94

Drafted
AK. 28/9/94

References to be marked.

To the Same
DC Bangalore

Camp
Nos 170-71
G 7-2-94
G 27. 9. 94.

M. G. C. Press, Bangalore.—3-2-94.—3000.

Bangalore
16 " 1896

(17)

To

J. Anandarao Esq
Chief Secretary
to the
Dewan of Mysore
Bangalore

Sir,

In reference to the orders passed in connection with the Ground rented to me for a period of 10 years by the Dy Comm: I beg to lay before you the following facts which, I beg, may be placed before the Dewan and such orders passed as will repay me for the loss incurred by me through no fault of my own.

When I first contemplated opening the business I approached the Dy Commissioner who

residing the site I had
selected, agreed to re
tome for a period of
year. At the expiratio
of this period finding
my business was a s
I again wrote to him
the ground for a fur
period of 10 years, whic
was granted.

2. Just then I was ne
gotiating for a numbe
of Vellore Cows to open
Dairy and had advt
addressed to Anathoo
who brought the Anim
into Bangalore by
I was just then infor
that the ground wa
probably be required
a rest camp. I had
abandon my intende
at much future lo
myself. A Dairy
roughly well worked
European principles,
almost a necessity. From
the opening of my busine
I had intended to work
the two together.

3. A memo of my busine
transactions is enclose
and as the Ground (
pared) has been taken
me, I am not now a
either to extend or
and must close dow

would eventually prove a very lucrative business. When the ground was in my possession I had over 300 sheep, but have now had to so reduce that it is not possible for me to purchase at the same low rate. The shepherds seeing my necessity force me to pay a much higher value, thus reducing my profits to a minimum.

In para 9 of the proceedings, Government has been pleased to recognize that I am entitled to compensation and I now appeal for that fair treatment which is so impartially dealt to all those who have found for appeal.

4th When the ground was leased I was not aware that there was any order from Government prohibiting ground within a certain radius of the station being leased to private individual and had I been aware of such an order I should certainly not have sunk so much capital and started a business, which certainly necessitated

the erection of sheds &c.

5- As we already asked for compensation for losing one years' profit and as I am now very reluctantly compelled to close down my business I can only hope the Dewan will recognize the reasonableness of my claim- my sheds cost me nearly 500 Rupees-

Possibly under the Govt Ruling as to leasing of ground I am not entitled to compensation, but I do not think the Dewan will overlook the fact that the closing down of a good business, built up after much trial & difficulty for the benefit of my son is due to no fault of my own but to the error of a responsible Govt Official, who leased to me for a definite period of 10 years land that he was not permitted to lease-

I recognize Govt has not yet evicted me and I am thankful for the indulgence, but since the grant has been cancelled I feel that it would not be safe for me to now carry on my business there,

month	£	s	d	
Sept.	592	6	9	Sales
	468	7		Cost
	123	15	9	Profit.
Oct.	689	11	6	Sales
	541	3		Cost
	148	8	6	Profit.
Nov.	811	15	.	Sales
	591	14	.	Cost
	320	1		Profit.
Dec.	948			Sales
	679	13	.	Cost
	268	3		Profit.
Jany 94.	1028	7	6	Sales
	797	8	.	Cost
	330	15	6	Profit.
Feby.	1063	3	3	Sales
	401			Cost
	162	3	3	Profit.
March	1161	2	6	Sales
	917	10	.	Cost
	243	8	6	Profit.

April	1068	6	3	Sales
	840	4	.	Cost
	228	2	3	Profit.
May	1207	8	6	Sales
	965	10	.	Cost
	238	14	6	Profit.
June	1297	7	6.	Sales
	956	1	3	Cost
	341	6	3	Profit.
July	1207	11	6.	Sales
"	976	4	6	Cost
"	225	7	0	Profit.

Memo.
I am compelled to close down from 1st Sept. owing to dyspepsia getting in steeps. at Teasmade sales & having no place to stay in a large Township

Jas Isaiah

especially since the Railway is building close up to their boundary & at any moment exception may be taken to the smells which will result from penning a large number of sheep only a short distance from their staff Quarters.

I shall not further intrude but leave the case for the very kind consideration and order of the Devan-

I have the honor to be
Sir,
Your most Obedt Svt
Pancras
Asst. Traffic Manager
For Supt
Bangalore

G.M. 12-94-12

(General Serial No. 30.)

G.M.7

1

1894.

2630

From B. G. Krishnaiyar Esq
Sub Sr officer on
special duty

To

The Chief Secretary to the
Dewan of Mysore.

(18)

Dated 21 August 94

Despatched

Received 24/9

Enclosures No.

General No. 32
No.

Send Cos of this to
Dy Comr for information & say
Mr Partridge may be
informed that the land
referred to in Progs of 19 Jun
94 is not now required
for a Rest Camp &
that the Govt have accordingly resolved not
to evict him at present
therefrom.

Mr P. Can ~~continue in possession till the expiry of the lease for which he has paid rent but subject to Conditions~~ Continue in possession during the pleasure of the Govt, subject to the Rules Contained in (Recent Progs) ~~enclosed in the quoted~~ as regards any non-agricultural use of the land or he can resign the land & obtain a refund of the 10 years rent he has paid for it.

24/9/94.

Stating that the standing Committee of Military officers did not approve of the selection of the land in the occupation of Mr Partridge for the rest Camp but have selected another plot of ground which is in the possession of Mr Pickin who claims Rs 2000 per acre.

References to be marked.

Submitted for Chief Secy
28/8/94 AK 28/8/94

To
DC Bangalore Comm Dis No 1169 & 29/9/94

Please see also
Mr Partridge's
letter dated 6th Sept 94

Sub D for Dewan's orders

M. G. C. Press, Bangalore.—3-2-94.—3000.

Drafted
A.K. 26/9/94

Sept 96/9

No 32

Office of the Sub Division officer
on special Duty.
Bangalore, Dated 21st August 1894.

(18)

From

B. G. Krishnaiengar Esquire
Sub Division officer
on special Duty

To

The Chief Secretary
to the Government of Mysore
Bangalore

Sir,

In reply to Government Proceedings No 1083-5/231 dated 19th July 1894 and your docket No 2654 G.T.2.94 of the 15th Instant, I have the honor to report that the Standing Committee of the Military officers did not approve of the selection of the land in the occupation of Mr. Partridge for the Rest Camp, on the

the Scene of a part of it being an old burial ground.

2. Major Grant, the Executive Engineer of the Military works went over the adjoining grounds in company with the Resident and selected a portion of Survey numbers 10 and 13 of Barige-moddanahally village for the Camp and I was asked to make necessary enquiries about the Same. Since then the officers constituting the Military Standing Committee met on the Spot and they, having approved of the new Selection, have recommended to their higher authorities the advisibility of acquiring the Same.

3. As the lands were ascertained to belong to Mr. Rickie I gave him a notice and in answer to which he claims Rs 2000/- per acre though he has purchased them at the marginally noted rates so recently as

Survey No.	Extent		Amount		
13	3	36	5740.	"	"
10 P	"	11			
10 P	2	7	3449	"	"

as March last. Mr. Richie was also called upon to produce his title deeds but though he promised to comply with the requisition on the 6th or 7th Instant, yet he has failed to do so. From a conversation I had with him on the Subject I am led to believe that he is not likely to accept any reasonable terms to enable me to settle the matter by private negotiation. Steps have therefore to be taken under the provisions of the Land Acquisition Act. The introduction of the new act is awaited for further action in this case. In the meantime I expect to learn about the final decision of the Judiciary authorities about the acquisition of these lands.

I have the honor to be

Sir

your most obedient Servant

Sub Divisional officer

on special Duty.

To

Mr J Partridge

(2)

Dated 27 Sept 94

Ref 12-94-13.

No 170-1

Q.7.2.94

Informing him that he ~~has~~ is not entitled to any compensation for the cancellation of the lease granted him by the Govt for certain land.

4 V

Read,

Letter A° 9 16th August last from W. J. Partridge, Asst. Traffic Manager S. M. Railway, Bangalore, claiming compensation for the loss sustained by him by the cancellation, ordered in Govt Pro No. 1083-5 / F. 231 9 14th July 94, of the grant of land S No. 37, in the Barginnuddanhalli village, Bangalore Taluk, made to him on lease by the Dy Comr., Bangalore Divn.

Order thereon. Camp No: 170-1 dated 27/30-9-94. 4-7-2-94

After a careful consideration of the grounds

advanced in the letter
~~and~~ read above, the
Government are of
opinion that Mr.
Partridge is not entitle
to any compensation

Chief Secretary

To

Mr. J. Partridge
Asst Traffic Manager
S M Ry Bangalore.

Copy to Comr Bangalore
Dist for information

A.K.

1894

To (21)

Deputy Comr
Bangalore

Dated 29 September 1894

No 169
G.7.2.94

G M12-94-16.

Informing him that
the land near the Railway sta
tion is not now required for
a Rest Camp.

No

The Dy Comr
Bangalore Dist.

Camp No 169
4-7-2-94

Dr 29/30 Sept 94.

Letter No 32 of 21st August last from Mr B.G. Krishna Aigar Sub Dy Officer on special duty stating with reference to govt Rev. No 10835/F. 231 of 19th July 94. that the Standing Committee of Military Officers did not approve of the selection of the land in the occupation of Mr Partridge for the Rest Camp, but have selected another plot

of ground in the possession
of Mr Ritchie. ~~the claim~~

In forwarding the
accompanying Copy
of the above cited letter
to the Dy Com^r for
information, has the
honor to state that Mr.
Partridge may now
be informed that
the land referred to
in the Proceedings of
19^th July 1894 is not
now required for a
Military Rest Camp
and that the Govt have
resolved not to evict
him at present. Mr
Partridge can therefore

Either continue in possession during the pleasure of Govt. subject to the Rules contained in Govt Notice No 2061-72 R244 dt 4th Augt 1894 as regards any non-agricultural use of the Land, or he can resign the land and obtain a refund of the 20 years' rent he has paid for it.

By order

Camp

29/9

Chief Secy

Secretary

AK

(General Serial No. 30.)

6426

189 . G2497

From Mr: J. Partridge
Bangalore City

To

The Chief Secretary to the
Dewan of Mysore

Dated 30th October 1894.

Despatched

Received

Enclosures No.

General No.

No.

Requesting to be intimated
with the ground on which
Compensation was refused

References to be marked.

M. G. C. Press, Bangalore.—3-2-94.—3000.

Bangalore City -

30-10-44

(22)

To

The Secretary

to the Dewan of

Mysore

Bangalore

Sir,

I have the honor to acknowledge receipt of your Letter No 170-1 CJ-294 of 30th Sept: and request you will kindly intimate to me Ground on which compensation has been refused - No reason has been assigned and I cannot accept decision arrived. I am reluctant to believe that Government refuses to recognize my just claims, seeing that in para 4 of orders passed on the 19th July (No 1083-5 G-231) my claim has in a way been admitted and the Deputy Commissioner ordered to produce further papers in support of his contention that I have

no

no claim against the Government.

When I applied for the ground I had no reason to believe that the Deputy Commissioner had no power to lease. I accepted the ground in good faith and when I realized that the business would give good results I applied for the ground for a further period of 10 years. I have the Kundayam and proceeded to put up permanent tiled sheds which I should not have done unless I was sure of continuing in possession. These sheds are now useless.

I have endeavoured to place my case before the Dewan in a proper way. I have suffered loss to such an extent I claim compensation.

I beg you will be more place papers before the Dewan as I cannot help thinking he will afford me relief. I have no endeavour to force compensation but seek it as

right in no way in excess
of actual loss.

I have the honor to be
Sir
Your most Obed.t Serv.t
J. Parish

Dept. Veterans
(with the file of
here)
09/11

Bangalore 6. Nov. 87.

12-54-16. 23

Sir K. Seshadri Iyer
G.C.S.I.
Dewan of Mysore.

Sir:

I regret much that I am
[redacted] to address you on the
subject of my claim for Compensation
but I prefer writing to you to seeking
a personal interview, as, as, been suggested
to me by Gentlemen, knowing that
your time is fully occupied with
more important matters.

I cannot believe that
the orders passed in my case are
final, seeing that in the first
decree on my claim it was directed
that I am entitled to Compen-

Replied as follows.
23/11/44 H.K.

Reply to Pr. Ser.

I
Thank you for your note of 18th & for the decision already arrived at in the case of Smith & no Compensation — No doubt the original grant of land was a blunder, but the Govt cannot [illegible] you for it. Your present position is not disturbed and title is not affected. Originally we granted it with the view of the land being cultivated & you have failed to do so — under such circs the Govt

P.T.O

The final orders contained in No. 15349 G.T. 2-94 d: 20/3/95 were passed after a consideration of Mr Partridge's letter to the D.P.W. Secy Dept. to herein

F.C. 27/3/95

K. Sreenivasa Rao

[illegible] 12-3-95

(General Serial No. 30.)

2483.

1894/95

From J. Partridge Esqr
District Traffic Supt
S. M. Railway

To
The Chief Secretary to the
Dewan of Mysore.

Dated 12th March 95

Despatched

Received

Enclosures No. 1

General No.

No.

Forwarding copy of letter addressed to the Chief Engineer of Mysore regarding compensation

The file, with the Dewan's remarks thereon, has been sent to the Secy D.P.W./Railways/ on 6.3.95.

13/3

[illegible]

References to be marked.

[illegible]

May be filed till the Engineer replies.

[illegible]

M. G. C. Press, Bangalore.—3-2-94.—3000.

Rec'd 18/3/95
Ans'd 4/4

Bangalore
12-3-95

2

The Chief Secretary
to the
Dewan of Mysore

Bangalore

Sir,

I have the honor to further reply to your letter No 170-1 G 7 2-94 of 30 9 94 to forward herewith copy of a Letter addressed by me to the Chief Engineer of Mysore regarding Compensation, and to remark that I have demi-Officially as well as officially placed the whole circumstances of my claim in the hands of the Dewan. And as I have suffered actual loss through wrong orders passed in my case by a responsible Officer of the Government, I would remark that I am fairly entitled to reasonable compensation, and as the reference to the Chief Engineer clearly proves that the Dewan

Considers

that I have claim, I can only ask that he will favorably consider the case and pass such orders for compensation as he may consider just and equitable.

I have the honor to be
Sir
Your most Obedt Servt.

S. Parizek
Asst. Traffic Supt.

Bangalore

9/3/95

Col C Bowen RE

Chief Engineer

yore Govern[t]

Bangalore

Sir,

In reply to your Letter No 2 of 6th Inst I have the honor to form you that I have already inaugurated the sheds on my ground and the material is now at the Goods Shed pending despatch by rail as I found it impossible to get anything like its original cost. I was induced to this step owing to orders from the Dewan that my claim for compensation could not be entertained. The sheds cost me over Rs 300. but what I particularly claim is compensation for loss of profit. In other words my profits averaged 250 Rs a month and I claimed Rs 3000 calculating one years profit

Sir

for having to give up the business.
As regards the terms under which
the ground was leased to me, I have
only to add that I have a 10 years
lease, commencing 1894 and that
I paid the Sundayam in advance.
I have of course been compelled to
close what would have been a very
good business owing to the Devas
having cancelled the grant. I
have already fully dealt with
the case in my correspondence
with the Chief Secretary to the Devas
and the grounds on which I feel
I am fairly entitled to compensa-
tion have been clearly placed. The
Deputy Commissioner may have been
wrong in giving me ground within
½ a mile radius of any Railway
station, but I am not aware that
there was any ruling, and hence
in absolute ignorance of any future
question arising I took up the land,
put up my sheds, and started a
business which increased from
about 500 to 1500 Rs monthly in
the space of about 8 months - and
had I continued it for a further
period of one year I feel sure
the profits would have reached
500 monthly - my claim therefore
is not one for actual value of the
land and buildings, but for loss
of profit, result of wrong action
on

on the part of a responsible officer
under the Mysore Government. I
have already written to the Dewan
telling him that I am not in a
position to suffer this loss and I
have already intimated to him
that I leave the case in his hands
feeling sure that he will do what
he considers just and right. I
shall however, should you still
wish it, be most happy to meet
you at anytime & date you may
find most convenient to you.

I have the honor to be
Sir
Your most obed[ient] Serv[an]t
Wm J. Davidge

Col[onel]

Ag. 1

Ag. M. 12-94-18

Draft for issue

Today 20/3/95

2

M 15349 of 20-3-95 To
F 2-94 Tr

— J. Partridge Esq

Sir

In reply to your letter of 30.10.94 to the Secy to the Dewan I am directed to inform you that para 4 of Govt Pay. D. 1 of 3rd 94 referred to your the Dy Comr's opinion that your tenure was of a temporary character ~~liable to~~ & that you were bound to "give up the land whenever required by Govt" The Govt never ~~thought~~ at any time Considered that you were Entitled to any Compensation. The Govt. proceeded ~~to oust you from it~~ actually to oust you at any time they might ~~have~~ not improbably have taken into Consideration the advisability, as a matter of grace, ~~of Compensating you for putting up Certain Sheds on the land — though the Govt never~~ of paying you the small Sum required to Cover loss due to your having to remove the Huts the buildings you had put up on the land — But this at no time proceeded actually to oust you. On your subsequent representations (among the

(26)

Govt, finding that you wished to give up the land, ~~thought it would be fair to take over your buildings & to dispose of the same – and with this object they~~ deputed their Chief Engr to value the buildings you had put up on it, so as to enable them to decide whether they could be taken off your hands.

~~The Chief Engr. says~~ It appears from your letter to the Chief Engineer that you have already removed your buildings and that your claim is for "Compensation for loss of profit". ~~It appears from~~ The Govt are unable to recognize such a claim as ~~they~~ Moreover they are of opinion, that the removal of your business from the land in question was your own voluntary act done wholly unconnected with the real character of the land & your tenure of the same.

(your case before them)

Yours

19.3.95

20/3/95

Offg Ch. Sec

(General Serial No. 30).

131 (27)

1894/95-4

From Wm. J. Partridge Esq
District Traffic Supto

To

The Chief Secretary to the
Dewan of Mysore.

Dated 26 March/95-

Despatched

Received

Enclosures No.

General No.

No.

Pointing out that the Dept/Comm's contention that he had no legal hold on the ground cannot be maintained and requesting final orders

Submitted with reference

~~References to be marked.~~

Subd to the Dewan -
This is a further representation from Mr Partridge objecting to the Dewan's decision in his case.
LL 2/5/95

M. G. C. Press, Bangalore.—3-2-94.—3000.

Ry. 12-94-19

Chief Secy -

Acknowledge & tell him that the Govt are unable to alter the decision ~~Communicated~~ & him in letter No. 15-344 dt 20 March 95 - The Govt decision as regards the land in question and his abandonment of the business of Sheep farming were not ~~could not be~~ connected with such other as Cause & Effect, and the Govt have before them official information that the business above named was given up from other Considerations - under such circs the Govt do not consider they are liable to Compensate ~~him~~ him in the manner ~~he~~ he has asked

9/5/95

Drafted letter 11/5/95

Bangalore
26th March 1895
6th April 95

To

The Chief Secretary
to the Govt of Mysore
Bangalore

Sir,

In reply to your Letter
No 15369 of 20. 3. 95 C.F. 2-94 I beg
to point out that the Deputy
Commissioners' contention that
I had no legal hold on the ground
cannot be maintained. As a
fact the land was leased to me
for a year, in the first instance,
and subsequently it was given
to me for a further period of 10 years
and my right to the land was
consequently fixed for this period
and it is unreasonable to expect
me to abide by such a decision.
The ground was given to me by
the Dy Commissioner, a respons
ble Officer of the Government, and

go

, so such his actions cannot now be repudiated.

In the first orders I received official intimation that the grant was cancelled and there can be no question regarding this order and as no other ground was available for my business I had to close down and thus deprive myself of a certain income, which Government is, I maintain, bound to consider - I see no unreasonable-ness in my claim for loss of profit and would only point out that when purchasing garden lands Government have always recognized the value of trees standing thereon and value is paid on the annual yield for a certain number of years, and not on the value of trees at time of assessing amount of compensation to be paid.

I had no intention of giving up the ground, nor I should have done so, as my business, according figures furnished to you, was a paying concern, and it is not likely I would throw up a certain source of revenue and I may here be permitted to add that my subsequent action, which saved me much loss, was result of legal advice. I was informed

that the action of the Government
cancelling the grant I owe must
be accepted as final. Under this
advice I had no alternative &
it appears to me unreasonable
to now ask me to remain satisfied
with orders passed on my case.
I have placed my case in the hands
of the Dewan and I hope I may
not be forced to appeal elsewhere.
I feel that I have rightly a very
strong case against the Govern-
ment, and that though my case
does differ from the ordinary
cases of land tenure, yet there can
be no getting over the fact that with
the business the land to me was
worth at least my profit - in other
words the value of the land was
equal to Rs 3000 per annum, and
I claim from Government reasonable
compensation for loss of profit.

I now beg you will kindly
let me have your final early orders
and in asking favorable consideration
I would only remark that
had I not acted, as I did when
Government cancelled the grant
I may have suffered much heavier
loss than the amount I claim.

If I could realize that
Government had right on their
side I would not further press the
case

case, but as matters stand I am fairly entitled to fair treatment which so far, I am sorry to say, I have not received.

I have the honor to be
Sir
Your most obedt servt.
L. Armitage
Asst. Surgn U.S.A.

Judl

No 20141. (28)
J72-94

To

J. Partridge Esq.
District Traffic Supdt.
S. M. R.
Bangalore.

G M. 12-94-20

Dy 11 May 1895.

Sir,

I am directed to acknowledge receipt of your letter dated 26th March 1895, and in reply to say that the Government are unable to alter the decision communicated to you in this Office letter No 15349 G.T. 2-94 of 20th idem.

2. The Govt decision as regards the land in question and your abandonment of the business of sheep-farming were not, and could not possibly be connected with each other as cause and

and effect, and the Govt
have before them Offi-
-cial information that
the business above
named was given up
from other considerations.
Under such circumstances,
I am to add that the
Govt do not consider
that they are ~~do~~ liable
to compensate you in
the manner you have
asked.

I have &c

11/5/95

H. C. Chief Secy

ABH.
11/5/95

Gen. 30.]

[redacted] 189

15107

From W. J. Partridge
Dist. Traffic Supdt.

To

The Chief Secretary to the
Govt. of Mysore.

Dated 9- 5- 95.

Despatched

Received

Enclosure No.

General No.
No.

SM-12-94-21

Reminder requesting
reply to his letter regarding
grant of land S No 37
Bangalore Taluk

The file has been subd to the Dewan.
Subd to Dewan
10/6/95

References to be marked.

Ept Sr.
Ref

M.G.C.P.B.—4-12-95—3000

Bangalore.

9-5-95

To the Chief Secretary

to the Dewan of Mysore

Bangalore

Sir

Your Letter No. 15349 of
GF 2-94
20th march 195

I have the honor to request you will kindly favor me with an early reply to my Letter dated 26th march 195 regarding grant of Land survey No 37 Bangalore Taluk.

I have the honor to be
Sir
Your most obedt Servt.

Subbiah
Devt Exhibit

Gen. 30.]

OFFICE OF THE
16788
1895 JUN. 1895
G.6234
DEWAN OF MYSORE.

From Mr J Partridge
Doddabelapur

To

The Chief Secretary to the
Govt. of Mysore.

Dated 4 June 95

Despatched

Received

Enclosure No. 1

General No.
No.

G Mc 12-94-22

Requesting early & final reply regarding compensation claimed by him -

G 72-94 has been submitted to the under Secy on 22.5.95.

References to be marked.

8/6

Mr. Partridge's memorial to H.H. the Maharaja for disposal and to H.H. on 23/5/95 with G.(Rev.) 5899 for Mr J. Partridge's 21/5/95 - on the subject. Memo this is also sent to H.S. for disposal C

B.S.
11/6
95

M.G.C.P.B.—4-12-95—3000

Rec'd in reply to my letter of 6th inst. 8/6/95

Dorchester 4th June 95

Secretary to The
Government of India.

In continuation of my letter
in reply to yours of the 23rd ult.
to the Under Secretary (Land)
Revenue Department of India.
I am directed by the Lords Commissioners of the Treasury to
acquaint you for the information of the Lords Commissioners of
the Admiralty that I have left the Lease of
Lillies from Queens College Oxford to Mr Pulley
are perfectly aware that Mr Pulley
intended to have left the Lease. I
duly waited to complete the purchase
of my business - I was at the time
thoroughly independent & had it not
been for the action taken by the
Government I should now have been
working my business - not only and
I should have made paying business for
reasons over which I had no control
but I was prevented opening a Dairy
which would have paid me handsomely
well. I can produce evidence that
Mr Winslow brought me some before

Lords.

Draft to be forwarded

No 2089 / 796 of 20/8/95

Memo:

§ No 12-84-23

In reply to his letters dated 15th May and 4th June 1895 respectively claiming ~~~~ compensation for certain land near the Bangalore City Station ~~~~ Mr J. Partridge Dodballapur is informed that the orders of Government already communicated to him in the Chief Secretary's letters No 15349 / 97. 2-94 & 20141 / 97 2-94 of the 20th March & 11th May/95 are final and no grounds whatever exist for revising the same in any way.

By order

21-8-95
Rev Secy.

VC 19/8/95

Gen. 230.] Gl. No. 3001 A.D. 1868.

REVENUE DEPARTMENT
9 OCT. 95
DEWAN'S OFFICE

OFFICE OF THE
2443
20. SEP 1895
Inio: 710
DEWAN OF MYSORE

From Mr J Partridge

To

The Chief Secretary to the
Govt. of Mysore.

Dated 18. Sept 95

Despatched

Received 9 No 12-94-

24.

Enclosure No.

General No.

No.

Asking for a copy of certain official information in re compensation for his lands and giving notice that he will take action against Govt in the matter.

Sirs.

[illegible]

References to be marked.

[illegible] the [illegible] for the [illegible] information [illegible] Which Mr Partridge [illegible] see Serial No 25 [illegible] (Bound [illegible] 17.3.95).

[illegible]
10/10/95

Head from the General Depte
9/10/95.

Submitted for orders with reference to this office letter to Mr J. Partridge No 20141 97.2-94 dated 11th May/95.

Mr Partridge has given two weeks time for a reply.

[illegible]
10/10/95

[illegible]
12/10/95

To Mr Lee Warner Esqr for the European Asst to the Dewan - Please see the Dewan's orders [illegible] 8/95

[illegible]
18/10/95

Sabt Mr J Rendall

Has obtained orders in his proceedings

20/10

Dated 18th September
J. Partridge
regarding
compensation
certain land
ngalore City

M. E135-6 dg
R1614 30-10-95
ernment declined
30

in the orders
ised or to
in source of
. Mr. Partridge
boss under

Some misapprehensions
as to his remedy in respect
of acts of Government officers
in excess of their powers.

30-10-95

Rev Secty

201:0695

To Mr. J. Partridge
Dodballapur

Mr. D'Monnes Bungalow Str
Bangalore

Dodballapur
15/5/95

Sir

I am directed by the Commissioner to request that you will be good enough to state whether you have any objection to the Government of India publishing your letter of the 15th instant in the Gazette of India.

I have the honor to be
Sir
Your most obt Servt
for Secretary to Government

Dodballapur
15/5/95